Ballona Wetlands Restoration Project

Original Premise, Directive, and Statement of Work

Consensus Analysis of Four Independent Reviews

Prepared: January 9, 2026

Executive Summary

This report synthesizes four independent technical and policy analyses of the Ballona Wetlands Restoration Project's original premise, project directive, and statement of work, prepared January 7, 2026. Through careful examination of the project's foundational documents and regulatory framework, these analyses reach consensus on several critical findings:

1. **The project was conceived fundamentally as an ecological restoration initiative**, not a flood control, infrastructure modification, or hydrologic redesign project.
2. **Flood safety was established as a controlling constraint, not a design variable**—the project was explicitly bounded by the existing, federally authorized Ballona Creek flood control system.
3. **The 2005 Ecological Reserve designation created binding legal parameters** that specified protection and enhancement of both coastal salt marsh AND freshwater marsh habitats under a Terrestrial, Non-Marine classification.
4. **A foundational tension existed from inception** between the legal mandate (protect existing mixed-hydrology freshwater and saltwater marshes) and emerging technical approaches (convert to fully tidal saltwater estuary).
5. **Significant scope creep has occurred** over two decades, diverging the project from its original authorization and creating the legal and technical controversies that characterize it today.

This consensus assessment is based on analysis of:

- 2003 State Acquisition documents and Wildlife Conservation Board records
- 2005 California Fish and Game Commission Ecological Reserve designation
- 2005 California Regulatory Notice Register and regulatory framework
- 2006 conceptual restoration planning and statement of work
- Applicable California Fish and Game Code sections and Title 14 regulations

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Part 1: Foundational Premise (Why the Project Existed)

1.1 The 2003 State Acquisition

Consensus Finding: The project's original mandate was preservation and protection of degraded coastal wetland habitat in the region of California that had experienced the most severe wetland loss.

On September 30, 2003, the Wildlife Conservation Board approved the State of California's acquisition of approximately 483 acres from Playa Capital Company, LLC for $140 million under Governor Gray Davis. This acquisition was facilitated by:

- **Proposition 12** (which provided $25 million toward the acquisition)
- **Legislative sponsorship** by Assembly Speaker Antonio Villaraigosa and State Senator Deborah Bowen
- **Trust for Public Land negotiations** with Playa Vista landowners, beginning in 2001

The **stated purpose** of this acquisition was straightforward: **"preserve critical habitat and key open space, including a large portion of what remains of the Ballona Wetlands."**

1.2 Historical Context: The Magnitude of Loss

The acquisition responded to catastrophic wetland loss in Los Angeles County. Historic records document that:

- **Los Angeles County has lost 96–98% of its historic wetlands** over the past 150 years through agricultural conversion, urban development, and infrastructure projects
- The Ballona Wetlands complex originally encompassed approximately **2,000 acres** stretching from Playa del Rey to Venice and inland to Baldwin Hills
- By 2003, **less than 600 acres of open space remained**, with much of it heavily degraded

The 600-acre parcel protected by this acquisition represented **the largest remaining undeveloped coastal wetland in Los Angeles County**—a resource of irreplaceable ecological significance.

1.3 Protected Habitat and Species

The property supported multiple degraded habitat types that the acquisition aimed to protect and ultimately restore:

- Coastal salt marsh
- Freshwater marsh
- Upland scrub
- Open salt/mud flats
- Riparian corridors
- Coastal dunes
- Grasslands

The acquisition specifically emphasized protection of endangered and special-status species, including:

- **Belding's Savannah sparrow** (state-listed endangered, endemic to San Francisco Bay and Los Angeles basins)

- California least tern (federally listed endangered)
- California brown pelican (federally listed endangered, California species of special concern)
- Coastal sage scrub-associated species

1.4 The Ecological Restoration Mandate

All four analyses concur that the **foundational purpose of the project was ecological restoration within existing urban and hydrologic constraints**, specifically to:

- **Restore degraded coastal wetland habitat** on lands that had been diked, filled, farmed, or otherwise disturbed over the 20th century
- **Re-establish historical tidal and hydrologic functions** to the extent feasible within existing urban constraints
- **Improve ecological function** (habitat diversity, native species support, estuarine processes)
- **Avoid increasing flood risk** to surrounding developed communities (Playa del Rey, Marina del Rey, Westchester)
- **Support wildlife corridors** connecting to Baldwin Hills and other regional open space networks

Critically, the project was **explicitly framed as ecological restoration within a fully urbanized watershed**, not as an opportunity to redesign regional hydrology or modify federal flood control infrastructure.

1.5 Management Framework

The Department of Fish and Game (now Department of Fish and Wildlife—CDFW) assumed jurisdiction of the property. Interim management was provided by the Trust for Public Land during restoration planning.

Part 2: The Legal Framework—2005 Ecological Reserve Designation

2.1 The Critical Legal Event

Consensus Finding: The 2005 Ecological Reserve designation established binding legal parameters that defined the project's mandate with precision and created specific statutory requirements that remain controlling to the present day.

On August 19, 2005, the **California Fish and Game Commission** formally designated the 553-acre property as the **Ballona Wetlands Ecological Reserve** under **Title 14, Section 630** of the California Code of Regulations. This designation was registered with the California Office of Administrative Law and published in the California Regulatory Notice Register (2005, Volume 20-Z, page 663).

2.2 The Purpose and Goals Statement

The 2005 designation specified the following **Purpose and Goals**:

> "Ballona Wetlands consisting of 553 acres in Los Angeles County is proposed for designation as an ecological reserve **for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow.** The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands. The reasons for listing this property in Title 14 are to regulate public use and provide the best available protection for the species and habitats the property was acquired to protect."

This statement contains several elements that assume major significance in understanding subsequent project disputes:

1. **Dual habitat mandate:** Protection and enhancement of BOTH "coastal salt marsh" AND "freshwater marsh habitats"
2. **Species focus:** Particular emphasis on Belding's savannah sparrow (state-listed endangered)
3. **Corridor function:** Recognition of the site's role in regional wildlife connectivity
4. **Regulatory intent:** Establish binding legal protection for "species and habitats the property was acquired to protect"

2.3 Classification: Terrestrial, Non-Marine (NOT Marine Preserve)

A critical distinction: Section 630 explicitly classified Ballona as a **"Terrestrial, Non-Marine Ecological Reserve"** rather than as a Section 632 **"Marine Preserve."**

This distinction has proven legally and substantively significant because:

- **Title 14, Section 630** governs **Terrestrial and Non-Marine Ecological Reserves**, applicable to freshwater wetlands, uplands, and mixed-hydrology systems
- **Title 14, Section 632** governs **Marine and Estuarine Reserves**, applicable to permanently tidal, saltwater-dominated systems
- **The Non-Marine classification emphasized protection of the area's freshwater resources** alongside its coastal salt marsh components, reflecting Ballona's historical character as a seasonally closed lagoon with both freshwater and brackish conditions

2.4 Regulatory and Statutory Requirements

The 2005 designation triggered specific statutory obligations that remain in force:

California Fish and Game Code Section 1019 requires preparation of a **Land Management Plan (LMP)** for all Ecological Reserves. The LMP must:

- Begin with the Purpose and Goals of the designation
- Establish management practices consistent with the statutory mandate
- Address public use, resource protection, and restoration objectives

California Fish and Game Code Section 1745 requires that all agreements and management actions must adhere to the **Purpose of Acquisition as defined in the**

original designation. No subsequent authorization or project revision can legally supersede this constraint.

California Fish and Game Code Section 1580 declares state policy to protect threatened/endangered species and specialized habitats through ecological reserves.

Title 14, Section 630 itself specifies that ecological reserves shall provide protection for rare, threatened, or endangered species and specialized habitat types consistent with the reserve's designation Purpose and Goals.

2.5 The Missing Land Management Plan

A point of significant legal controversy: Despite the statutory requirement for a Land Management Plan, **no LMP was ever formally prepared for the Ballona Wetlands Ecological Reserve**. This represents a two-decade violation of Fish and Game Code §1019.

Instead, project planning proceeded through alternative mechanisms (Environmental Impact Reports, Coastal Conservancy initiatives), which may not satisfy the statutory mandate for an LMP that explicitly addresses the §1745 "Purpose of Acquisition."

Part 3: Original Project Directive and Agency Structure

3.1 Lead Agency and Cooperating Agencies

Consensus Finding: The project's original governance structure positioned the California Department of Fish and Wildlife as the steward of ecological restoration, within constraints defined by existing federal flood control authority and local flood management responsibility.

Lead Agency:

- **California Department of Fish and Wildlife (CDFW)** (formerly California Department of Fish and Game)

Cooperating and Responsible Agencies (Early Phase):

- **California Coastal Conservancy** — state agency with authority to advance coastal resource restoration
- **Los Angeles Regional Water Quality Control Board** — regulatory authority over water quality and discharge
- **U.S. Army Corps of Engineers (USACE)** — held regulatory authority under Clean Water Act Sections 404 (wetlands) and 408 (modifications to federal projects); did NOT serve as project proponent
- **Los Angeles County Flood Control District (LACFCD)** — held operational responsibility for Ballona Creek flood control channel; could define constraints on project scope

3.2 The Original Project Directive Statement

Consensus Finding: All four analyses reach agreement on the substantive meaning of the original project directive, which can be accurately summarized as:

> **"Plan and implement a habitat-focused restoration of the Ballona Wetlands Ecological Reserve that reintroduces tidal influence and native wetland functions while maintaining existing, authorized flood protection levels provided by Ballona Creek."**

This directive established **flood safety as a controlling constraint**, not a design variable or project objective.

The directive carried several implications:

1. **Ecological restoration was the primary purpose**, not secondary to other objectives
2. **Tidal influence reintroduction was explicitly subordinate** to maintenance of existing flood protection
3. **Federal flood control standards were non-negotiable**, existing outside the project's authorization
4. **The project was NOT authorized to modify, re-engineer, or re-authorize Ballona Creek**
5. **Flood conveyance capacity was a fixed baseline**, not an adjustable parameter

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Part 4: Original Statement of Work (2005–2006 Scope Definition)

4.1 The 2005 Planning Initiation

Also in 2005, the **California Coastal Conservancy** initiated formal restoration planning with the following scope:

- **Conceptual planning** and feasibility analysis of restoration alternatives
- **Partnership formation** with California Department of Fish and Wildlife (CDFW) and State Lands Commission
- **Contract with Environmental Science Associates (ESA)** to develop alternatives and restoration plans

ESA's original statement of work included:

- Working with a **Science Advisory Committee** to ensure restoration plans reflected best available science
- Engaging diverse regulatory and public stakeholders
- Defining restoration goals that would "enable the system and its inhabitants to thrive"
- Developing alternatives for the Ballona Wetlands Ecological Reserve, including considerations for the Ballona Creek flood control channel (as a constraint)
- Characterizing existing conditions within the approximately 600-acre project area
- Identifying potential restoration alternatives based on opportunities and constraints

4.2 The 2006 Conceptual Restoration Plan

In August 2006, the State Coastal Conservancy commissioned **Philip Williams & Associates (PWA)** to develop a conceptual restoration plan. The **Ballona Wetlands Restoration Plan** established two primary goals:

Goal 1: "Restore, enhance, and create estuarine habitat and processes in the Ballona Ecosystem to support a natural range of habitats and functions, especially as related to estuarine dependent plants and animals."

Goal 2: "Create opportunities for aesthetic, cultural, recreation, research and educational use of the Ballona Ecosystem that are compatible with the environmentally sensitive resources of the area."

4.3 Original Project Objectives

The project objectives as formalized in the early planning phase and later EIR process included:

Ecological Restoration Objectives

- Restore coastal salt marsh and estuarine habitat
- Enhance transitional upland habitat
- Support shorebirds, fish nursery habitat, and sensitive species
- Remove or suppress invasive species
- Remediate legacy agricultural impacts

Hydrologic Restoration (Explicitly Limited)

Hydrologic actions were framed as **carefully controlled and subordinate to flood safety**, including:

- Evaluation of **limited tidal exchange mechanisms** (e.g., culverts, tide gates, controllable openings)
- Avoidance of unrestricted tidal breaching
- Avoidance of increased backwater effects in Ballona Creek
- Avoidance of increased flood stages or flow velocities
- Maintenance of compatibility with the **federally authorized flood conveyance capacity**

Engineering and Regulatory Constraints

The project explicitly assumed:

- **No reduction in Ballona Creek flood conveyance capacity**
- **No increase in flood risk** to surrounding communities, including Playa del Rey, Marina del Rey, and Westchester
- **No modification of the federally authorized flood standard** (Ballona Creek was authorized by the U.S. Army Corps of Engineers for the 1% annual exceedance probability flood event—the "100-year flood")
- **No redefinition of the creek's design storm or level of protection**
- **No alteration of the creek's Standard Project Flood (SPF) authorization**

Ecological Restoration Scope

The early scope addressed degradation caused by:

- Dredge spoils from marina construction
- Historic railroad fill
- 1930s Ballona Creek flood control channel construction
- Loss of tidal connection
- Invasive species proliferation
- Agricultural impacts

4.4 Historical Ecology and What "Restoration" Originally Meant

Critical context: The 2006 Existing Conditions Report and PWA analysis provided historical perspective on the original condition of Ballona, which fundamentally shaped what "restoration" was intended to mean.

The Ballona Wetlands developed as a **back-barrier lagoon with extensive fringing saltmarsh**. Importantly, like most Southern California coastal wetlands, **Ballona was historically a periodically-closing estuary**—the inlet would:

- **Close due to longshore transport of sand**, creating a dammed lagoon system
- Remain closed for extended periods, accumulating freshwater inflow from watershed runoff
- Open again when stream discharges increased during winter floods, creating tidal circulation

This hydrologic pattern meant Ballona was historically a **predominantly seasonal freshwater to brackish wetland system with intermittent (not continuous) tidal connection**—not a permanently open, fully tidal saltwater estuary.

The wetland complex originally encompassed approximately 2,000 acres. By the 2003 acquisition, this had been reduced to approximately 600 acres of open space, with much of the remaining area heavily degraded by:

- Channelization of Ballona Creek (1930s)
- Construction of Marina del Rey and Marina del Rey breakwater (1950s–1960s)
- Loss of tidal connectivity
- Infilling with dredge spoils and other materials

4.5 Hydrology and Freshwater Resources

An element that achieved prominence in the 2005–2006 planning phase was **recognition of Ballona's freshwater resources**:

- The site overlies multiple freshwater aquifers
- Portions of the aquifer system were classified as **Drinking Water or Potential Drinking Water** (under state standards)
- Freshwater inflow from groundwater and surface runoff had historically sustained the wetland's mixed-salinity character

The **Non-Marine designation** was partly a recognition that this freshwater resource needed protection and should not be compromised by conversion to a fully saltwater system.

Part 5: Explicit Exclusions from Original Scope

5.1 What the Project Was NOT Originally Intended to Be

Consensus Finding: All four analyses agree on elements that were explicitly excluded from the original project authorization. These exclusions are significant because the inclusion of any of these elements in later project phases represents scope expansion beyond the original mandate.

At inception, the Ballona Wetlands Restoration Project was **explicitly NOT intended to be:**

- **A flood control improvement project** — The project did not assume responsibility for upgrading or re-engineering Ballona Creek's flood control capacity
- **A Ballona Creek redesign or re-authorization effort** — The federally authorized flood control channel remained outside the project's scope
- **A climate adaptation or sea-level-rise-driven infrastructure redesign** — While future climate impacts were recognized, the project was not authorized as a climate response initiative
- **A sediment management or channel reconfiguration project** — Manipulation of the creek channel itself was excluded
- **A recreational park or development initiative** — While public access was a secondary objective, the project was not framed as a parks or development project
- **A mechanism to lower or bypass federal flood protection standards** — The federally authorized Standard Project Flood (SPF) or 100-year flood standard was not subject to reconsideration
- **Industrial-scale excavation and earth-moving project** — The 2004 Conservancy memorandum anticipated approximately $2 million over 3 years for restoration planning, suggesting a fundamentally different scale than later proposals for $100+ million excavation projects
- **Full-scale conversion to tidal estuary** — The Title 14, Section 630 Non-Marine designation and emphasis on protecting freshwater resources suggested enhancement of existing conditions, not transformation into a fully tidal bay

These elements were **outside the project's authorization and original intent**. Their subsequent introduction into the project scope represents **scope accretion**—the incremental expansion of a project's mandate beyond its original authorization.

Part 6: Foundational Assumptions Embedded in the Original Directive

6.1 The Fixed Flood Control Baseline

Core Assumption: Ballona Creek's federally authorized flood conveyance capacity was treated as a **hard constraint**, not an adjustable parameter or project design variable.

The project assumed acceptance of:

- **USACE-authorized flood standard** (1% annual exceedance probability flood event —the "100-year flood") as the baseline

- **Existing levee configuration and flood conveyance capacity** as non-negotiable
- **No increase in upstream flood stages, velocities, or backwater effects** as a controlling constraint on restoration design

6.2 Subordination of Restoration to Flood Safety

Core Assumption: Ecological benefits were explicitly conditioned on achieving **no adverse hydraulic impact** to the existing flood control system.

This assumption meant that:

- Restoration design must be subordinate to flood safety
- If ecological restoration would increase flood risk, the restoration must be modified or abandoned
- Flood safety was the controlling criterion in resolving conflicts between ecological goals and hydraulic performance

6.3 Incremental and Reversible Intervention

Core Assumption: Early restoration concepts favored **small-scale, controllable, reversible hydrologic actions** rather than large-scale regrading or permanent tidal reconnection.

This assumption supported:

- Limited tidal exchange mechanisms (culverts, tide gates, controllable openings)
- Gradual habitat enhancement
- Adaptive management approaches that could be adjusted if ecological outcomes differed from predictions
- Avoidance of irreversible transformations of the site's fundamental character

6.4 CEQA as a Bounding Mechanism

Core Assumption: Environmental review under the California Environmental Quality Act (CEQA) was expected to:

- Define the maximum feasible restoration consistent with applicable law and safety constraints
- Prevent scope expansion beyond the project's original authorization
- Ensure full disclosure of impacts, constraints, and trade-offs
- Provide a transparent basis for stakeholder comment and modification of the project before final implementation

This assumption reflected an expectation that CEQA would function as a rigorous bounding mechanism, not as a process to be subsequently expanded or reinterpreted.

6.5 Science-Based Restoration Guided by Historical Ecology

Core Assumption: Project planning would be guided by best available science and understanding of the site's historical ecology.

This assumption meant that:

- Restoration would aim to recreate conditions and processes consistent with the site's pre-disturbance (pre-1930s) character, insofar as feasible within modern urban constraints
- The restoration would not attempt to create entirely novel ecosystem types
- Scientific advisory committees would ensure that project design reflected current ecological understanding

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Part 7: The Foundational Tension—Inherited from the Legal Framework

7.1 The Core Contradiction

Critical Finding (Consensus): A fundamental tension was embedded in the project from its inception, arising from the gap between the legal designation and the technical planning process:

The Legal Mandate (Title 14, Section 630)

The 2005 designation specified protection and enhancement of:

- "**Coastal salt marsh and freshwater marsh habitats**" (dual mandate)
- Under a "**Terrestrial, Non-Marine**" classification
- With emphasis on protecting freshwater resources and the site's mixed-salinity character

This legal framework suggested a mandate to **preserve and enhance the site's existing mixed-hydrology character**, including its substantial freshwater wetland component.

The Technical Planning Direction (2005–2006)

The concurrent technical planning process established restoration goals emphasizing:

- "**Estuarine habitat and processes**"
- Full tidal connectivity
- "**Restoring the ebb and flow of the ocean**" (language appearing in subsequent planning documents)

These goals could be interpreted (and were increasingly interpreted) as prioritizing conversion to a **permanently tidal, fully saltwater estuary**—a condition fundamentally different from Ballona's historical mixed-hydrology character.

7.2 Why This Tension Matters

This contradiction between legal authorization (protect existing mixed-hydrology freshwater and saltwater marsh habitats) and emerging technical direction (excavate and convert to tidal saltwater estuary) lies at the **core of the project's two-decade dysfunction**.

The tension manifested in subsequent disputes about whether:

- The project appropriately honored the Title 14, Section 630 Non-Marine designation
- Conversion to a fully tidal system violated the freshwater protection mandate

- The project should more appropriately have been designated as a Section 632 Marine Preserve if permanent tidal estuary conversion was intended
- Endangered species adapted to existing degraded freshwater-brackish conditions would survive the proposed transformation

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Part 8: Significance for Project Evaluation and Legal Compliance

8.1 Why Understanding the Original Premise Is Critical

All four analyses emphasize that understanding the project's original premise is essential for evaluating its current legal status and disputes. The original premise matters for several reasons:

CEQA Compliance

The California Environmental Quality Act requires that:

- **Project purpose and scope must remain consistent** with the project as originally defined
- **Significant changes in purpose or scope** may trigger requirements for supplemental or revised environmental review
- The originally defined project purpose and scope **establishes the baseline** against which environmental impacts must be analyzed

Later project expansions that diverge substantially from the original premise may violate CEQA's requirement for adherence to the originally defined project.

Federal Permitting Authority

Federal permits under Clean Water Act Sections 404 (wetland impacts) and 408 (modifications to federal projects) depend on:

- **Demonstration that the project will not interfere with federal flood control purposes**
- **Compliance with the authorized design and operation** of the federal project (Ballona Creek)
- **No adverse hydraulic impacts** on the federal flood control system

Projects that implicitly or explicitly challenge the original assumption of fixed flood control constraints may lose the basis for federal authorization.

State and Local Authority

The project's compliance with Fish and Game Code Sections 1019 and 1745 depends on:

- **Adherence to the Purpose of Acquisition** as defined in the 2005 Ecological Reserve designation
- **Preparation of a Land Management Plan** consistent with that Purpose
- **No material deviation** from the statutory mandate without formal redesignation

Regulatory Estoppel and Scope Accretion

The principle of **regulatory estoppel** suggests that:

- Once a project has been defined and authorized within a specific scope
- Subsequent modifications that expand the scope beyond what was originally authorized
- May require new authorization, new environmental review, and new public process

Large-scale project expansions that diverge significantly from the original authorization may be unlawful, regardless of their environmental or ecological merits.

8.2 The Divergence Problem

Central Finding: The central dispute surrounding the Ballona Wetlands Restoration Project arises from **divergence between the original authorization and later project descriptions**:

- The project was originally authorized as **constrained ecological restoration** within fixed flood control and legal boundaries
- By 2017–2020, the dominant alternative (Alternative 1) proposed **large-scale excavation and conversion to fully tidal saltwater estuary**
- This represents a **fundamental expansion of scope** beyond the original authorization

The legal and environmental conflicts that now characterize the project stem largely from this divergence. The project cannot be evaluated for legality, environmental compliance, or technical feasibility without addressing the tension between what was originally authorized and what has since been proposed.

Part 9: The 2006–2020 Evolution: Scope Accretion

9.1 Trajectory of Change

Between 2006 and 2020, the project underwent progressive expansion and reinterpretation:

- **2006 PWA conceptual plan** outlined restoration objectives in terms broadly consistent with the original mandate
- **2010–2015 detailed alternatives analysis** developed multiple options, ranging from modest habitat enhancement to large-scale excavation and tidal conversion
- **2017–2020 environmental review process** increasingly focused on Alternative 1 (maximum tidal estuary conversion) as the preferred alternative

This trajectory represented **scope creep**—the incremental expansion of the project beyond its original authorization, occurring without explicit reauthorization or formal redesignation of the Ecological Reserve.

9.2 Proposed Alternative 1 (Maximum Development Alternative)

By 2020, Alternative 1 (ultimately adopted in December 2020 as the preferred alternative) proposed:

- **Large-scale excavation** of approximately 3 million cubic yards of material
- **Removal of Ballona Creek levees** to create unrestricted tidal connectivity
- **Conversion to fully tidal saltwater estuary** with daily tidal fluctuations
- **Fundamental transformation** of the site's hydrologic character

This proposal represented a **complete reversal** of the original principle that "tidal influence reintroduction" would be "limited" and "subordinate to flood safety."

9.3 Opposition and Legal Challenge

Alternative 1 generated significant opposition from stakeholders who argued it:

1. **Contradicted the historical ecology** — Ballona was never a permanently tidal estuary; it was historically a seasonal freshwater-brackish lagoon system
2. **Violated the Title 14, Section 630 Non-Marine designation** — Full tidal conversion would more appropriately require designation as a Section 632 Marine Preserve
3. **Threatened endangered species** — Species adapted to existing freshwater-brackish conditions, particularly Belding's savannah sparrow, would be displaced by saltwater tidal estuary conditions
4. **Violated freshwater protection mandate** — Conversion to saltwater would abandon the statutory requirement to protect the site's freshwater resources
5. **Ignored flood control constraints** — The proposal appeared to treat flood control impacts as secondary rather than as a controlling constraint

9.4 2023 Court Ruling and Current Status

In 2023, a court found the Environmental Impact Report deficient and ordered preparation of a revised EIR. As of January 2026, the project remains in revised planning phases with **"Sequences 1 and 2"** focused on improving hydrology in approximately 60 acres without the full-scale transformation initially proposed in Alternative 1.

This return to smaller-scale intervention represents a **partial retreat** to the original scope limitations, though the project remains in conflict regarding its ultimate objectives and whether full-scale transformation remains the goal.

Part 10: Key Regulatory and Statutory Framework

10.1 California Fish and Game Code Sections

Fish and Game Code Section 1019 — Requires preparation of a Land Management Plan for all Ecological Reserves. The LMP must establish management practices consistent with the reserve's Purpose and Goals.

Fish and Game Code Section 1745 — Requires adherence to the Purpose of Acquisition as defined in the original designation. All agreements and management actions must be consistent with this purpose. No subsequent authorization can supersede this constraint.

Fish and Game Code Section 1580 — Declares state policy to protect threatened/endangered species and specialized habitats through ecological reserves.

10.2 California Code of Regulations—Title 14

Title 14, Section 630 — Establishes Terrestrial, Non-Marine Ecological Reserves and specifies that such reserves shall provide protection for rare, threatened, or endangered species and specialized habitat types. The Ballona Wetlands Ecological Reserve was designated under this section.

Title 14, Section 632 — Establishes Marine and Estuarine Reserves, applicable to permanently tidal, saltwater-dominated systems. Ballona was explicitly NOT designated under this section.

10.3 Federal Regulatory Framework

Clean Water Act Section 404 — Requires permits from the U.S. Army Corps of Engineers for activities that result in discharge of dredged or fill material into waters of the United States. Projects affecting wetlands must comply with federal standards for water quality and fish and wildlife habitat.

Clean Water Act Section 408 — Prohibits unauthorized alteration of federally authorized civil works projects (including flood control channels) without specific authorization. Any project that would increase flood risk or reduce flood conveyance capacity requires Section 408 permit.

Federal Flood Control Policy — The Ballona Creek channel was federally authorized by the U.S. Army Corps of Engineers for the 1% annual exceedance probability (100-year) flood event. The Standard Project Flood (SPF) designation established flood conveyance requirements that cannot be unilaterally modified.

10.4 California Environmental Quality Act (CEQA)

Project Purpose and Scope — CEQA requires that the project's purpose and scope be clearly defined and remain consistent throughout environmental review. Significant changes in purpose or scope trigger requirements for supplemental or revised environmental review.

Cumulative Impacts — Later project phases that substantially expand scope beyond the original authorization must be analyzed for cumulative impacts in conjunction with the original phase.

Baseline Conditions — The "no project" condition and existing conditions at the time of the original environmental review establish the baseline for impact analysis. Projects that fundamentally alter the baseline may require re-baseline of future project phases.

Part 11: Consensus Conclusions

11.1 The Original Premise

The Ballona Wetlands Restoration Project's **original premise (2003–2006)** was:

1. **Preserve and protect** 600 acres of the last significant coastal wetland in Los Angeles County, in a region that had lost 96–98% of its historic wetland acreage
2. **Enhance** degraded habitats to support endangered species, particularly Belding's Savannah sparrow, California least tern, and California brown pelican
3. **Restore ecological functions** including connections to freshwater and tidal sources within a mixed-hydrology system consistent with historical ecology (seasonal, freshwater-to-brackish lagoon system)
4. **Protect both coastal salt marsh AND freshwater marsh habitats** under a Non-Marine ecological reserve designation, explicitly recognizing the site's historical and hydrologic character as a mixed-salinity system
5. **Provide compatible public access** for education, recreation, research, and wildlife corridor functions
6. **Maintain wildlife corridors** connecting to Baldwin Hills and other regional open spaces
7. **Work within fixed flood control constraints** established by the federally authorized Ballona Creek flood control system, with flood safety as a controlling criterion
8. **Implement science-based restoration** guided by historical ecology and adaptive management principles, with incremental and reversible interventions rather than large-scale transformations

11.2 The Original Directive

The original project directive can be accurately stated as:

> **"Plan and implement a habitat-focused restoration of the Ballona Wetlands Ecological Reserve that reintroduces limited tidal influence and native wetland functions while maintaining existing, authorized flood protection levels provided by Ballona Creek, consistent with the protection of both coastal salt marsh and freshwater marsh habitats under Title 14, Section 630 designation."**

This directive was:

- **Bounded by flood safety** as a controlling constraint
- **Guided by historical ecology** and best available science
- **Limited in scope** to ecological restoration, excluding flood control redesign, climate adaptation, or infrastructure modification
- **Subordinate to the statutory Purpose of Acquisition** defined in the Ecological Reserve designation

11.3 The Original Statement of Work

The original statement of work emphasized:

- **Ecological restoration objectives** (habitat enhancement, species support, invasive species management)
- **Hydrologic restoration that was carefully limited** (controlled tidal exchange, culverts and tide gates, avoiding unrestricted tidal breaching)

- **Engineering constraints** (no reduction in Ballona Creek flood capacity, no increase in flood risk, no modification of federal flood standards)
- **Freshwater resource protection** (recognition of aquifer systems and freshwater-dependent habitats)
- **Science-based planning** (Science Advisory Committee, best available science standards)
- **Incremental and reversible interventions** rather than large-scale transformations

11.4 The Foundational Tension

A tension between legal mandate and technical planning direction was present from inception:

- The **legal framework** (Title 14, Section 630 Non-Marine designation) emphasized protection of existing mixed-hydrology conditions including freshwater resources
- The **technical planning direction** (emphasis on "estuarine habitat and processes") could be interpreted as prioritizing full tidal estuary conversion

This tension was **not resolved** in the original authorization and remained latent, becoming explicit in the 2017–2020 environmental review and design process.

11.5 The Divergence Problem

The central controversy surrounding the Ballona Wetlands Restoration Project arises from **divergence between the original authorization and later project descriptions**:

- **Original authorization:** Constrained ecological restoration within fixed flood control and legal boundaries, emphasizing mixed-hydrology character and incremental interventions
- **2017–2020 proposed approach:** Large-scale excavation and conversion to fully tidal saltwater estuary, implicitly challenging original flood control constraints and freshwater protection mandates

This **scope accretion** (expansion of project scope beyond original authorization) creates:

- **CEQA compliance questions** (whether the expanded project remains within the originally defined purpose and scope)
- **Regulatory authority questions** (whether federal permitting authority under Section 404 and 408 applies to the expanded project)
- **Statutory compliance questions** (whether the project remains consistent with Fish and Game Code §1745 requirement to adhere to the Purpose of Acquisition)
- **Estoppel and reauthorization questions** (whether scope expansion requires formal redesignation, new environmental review, and renewed public authorization)

Part 12: Recommendations for Project Evaluation

12.1 Clarify Project Purpose and Scope

The project requires explicit clarification of:

1. **Whether the purpose remains ecological restoration** within the constraints defined in the original authorization, or whether the purpose has expanded to include flood control redesign, climate adaptation, or infrastructure modification
2. **Whether the scope remains limited to** approximately 60 acres with incremental hydrologic enhancement, or whether the scope includes large-scale excavation and transformation to fully tidal estuary
3. **Whether the project remains bound by** the Title 14, Section 630 Non-Marine designation and the requirement to protect both coastal salt marsh AND freshwater marsh habitats, or whether a formal redesignation as a Section 632 Marine Preserve is appropriate and necessary
4. **Whether flood control constraints** remain controlling, or whether the project intends to challenge or modify federal flood standards

12.2 Prepare the Mandated Land Management Plan

The project requires preparation of the **Land Management Plan** mandated by Fish and Game Code §1019, which has never been completed despite the statutory obligation. The LMP must:

- Begin with the Purpose and Goals of the Title 14, Section 630 designation
- Clearly address whether the project's scope and objectives remain consistent with the statutory mandate
- Define the relationship between ecological restoration objectives and flood control constraints
- Establish monitoring and adaptive management protocols
- Provide transparent basis for stakeholder engagement and public comment

12.3 Address the Foundational Tension

The project requires explicit resolution of the tension between:

- **Legal mandate** to protect both coastal salt marsh AND freshwater marsh habitats under Non-Marine designation
- **Technical direction** toward full tidal saltwater estuary conversion

This tension cannot be resolved through project design alone; it requires explicit policy decision at the state level regarding the proper scope and objectives of the restoration.

12.4 Conduct Supplemental Environmental Review

If the project scope has expanded materially beyond the original authorization (particularly toward large-scale excavation and full tidal estuary conversion), supplemental or revised environmental review may be required under CEQA, addressing:

- Changes in project purpose and scope since the original authorization
- New impacts not addressed in the original EIR
- Cumulative impacts of the original and expanded phases
- Revised baseline conditions
- Alternative approaches consistent with the original authorization

12.5 Establish Clear Governance and Decision Authority

The project requires clear establishment of:

- **Which agency has ultimate decision authority** (CDFW as steward of the Ecological Reserve, or a multi-agency collaborative process)
- **How flood control constraints will be incorporated** (explicit coordination with USACE and LACFCD)
- **How the statutory mandate** (Fish and Game Code §1019, §1745, §1580) will be honored
- **How stakeholder engagement** will proceed with full transparency regarding purpose, scope, and constraints

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Appendix: Source Documents

This consensus analysis draws from:

1. **2003 State Acquisition Records and Wildlife Conservation Board Minutes** — September 30, 2003 approval of $140 million acquisition
2. **California Fish and Game Commission Designation (August 19, 2005)** — Title 14, Section 630 Terrestrial, Non-Marine Ecological Reserve designation
3. **California Regulatory Notice Register (2005, Volume 20-Z, page 663)** — Official notice of designation with Purpose and Goals statement
4. **2006 Philip Williams & Associates Conceptual Restoration Plan** — Original technical statement of work and restoration goals
5. **California Fish and Game Code Sections 1019, 1745, and 1580** — Statutory authority and obligations
6. **Title 14, California Code of Regulations, Sections 630 and 632** — Regulatory framework for ecological reserves
7. **California Environmental Quality Act (CEQA) Requirements** — Project purpose, scope, and baseline standards
8. **Federal Clean Water Act Sections 404 and 408** — Federal permitting authority and flood control project protections
9. **U.S. Army Corps of Engineers Ballona Creek Flood Control Project Documentation** — Federal authorization and design standards

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Final Summary

The Ballona Wetlands Restoration Project began in 2003 as a **constrained ecological restoration initiative**, explicitly bounded by an existing, federally authorized flood control system and defined by statutory mandate to protect both coastal salt and freshwater marsh habitats in a Terrestrial, Non-Marine Ecological Reserve.

The original authorization was clear: restore degraded wetland habitat **without altering flood control standards, without full-scale transformation to tidal estuary, and without abandoning the freshwater protection mandate**.

Over two decades, the project's scope expanded significantly, and the tension between the legal mandate and technical direction became explicit. The project's current controversies arise fundamentally from this **divergence between original authorization and later proposals**.

Any rigorous evaluation of the project's legality, environmental compliance, or engineering feasibility must begin with understanding this original premise, as it defines the baseline against which all subsequent modifications and expansions must be measured.

Report Prepared: January 9, 2026
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